IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2293 OF 2004

IN

SUIT NO.2176 OF 2004

M/s.Hawa Valves (India) Pvt.Ltd. ... Plaintiffs.

vs.

M/s.Hawa Engineers Ltd. .... Defendants.

Ms.Jeeni Antony, for Plaintiffs.

Mr.Y.H.Vora, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 8th July, 2005

P.C.:-

1. It is seen that though the plaintiffs have been assigned registered trade mark, it appears from the record that that trade mark is being used by the defendants right from the year 1993-1994 to the knowledge of the Director of the petitioners-company who was the partner in the defendants- company. It is further to be seen here

that from the documents it appears that from the year 1993-1994 the defendants were manufacturing the goods under that trade mark not only for the original owner of the trade mark but for others also. In these circumstances, in my opinion, it will not be appropriate at this stage by an interim order to stop the defendants from manufacturing or selling the goods under the trade mark in question. Hence, the notice of motion is disposed of.